

S.N. 10/000,024
Wilfred F. Brake, et al.
Atty Dkt. 10016241-1

REMARKS

Claims 1-20 were pending in the application prior to this response. Claims 1, 4-6, 8-11, 15 and 16 have been amended herein. Claims 17-20 have been canceled. Claims 2, 3, 7 and 12-14 remain in the application unchanged. Accordingly, after entry of the amendment presented herein, claims 1-16 will be pending in the application. Reconsideration is requested.

S.N. 10/000,024
Wilfred F. Brake, et al.
Atty Dkt. 10016241-1

I. Title

In paragraph 1 of the Office action, the Examiner requires that a new title be provided. Accordingly, applicants have amended the title herein to read as follows:

**CAMERA IMAGE CAPTURE AREA DESIGNATOR AND RELATED
METHODOLOGY**

It is believed that this new title is adequately descriptive of the invention as currently claimed. Consideration of the new title is respectfully requested.

S.N. 10/000,024
Wilfred F. Brake, et al.
Atty Dkt. 10016241-1

II. Claim Objection

In paragraph 2 of the Office action, claims 1, 4-6, 8-11, 15 and 16 are objected to. In response to the objection, applicants have amended claims 1, 4-6, 8-11, 15 and 16 to replace "sizeable" with "sizable" as suggested by the Examiner. Accordingly, the objection to the claims is believed to be addressed.

S.N. 10/000,024
Wilfred F. Brake, et al.
Atty Dkt. 10016241-1

III. Rejection of Claims 1-4, 6-14 and 17-20 under 35 U.S.C. §102(e)

Claims 1-4, 6-14 and 17-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Niikawa et al. (U.S. 6,812,967). Reconsideration of the Examiner's rejection is respectfully requested.

Claims 1-4 and 6-8

Claim 1, as amended herein, recites the following:

A camera user interface assembly comprising:
at least one object viewer;
a resizable, image-capture-area designator superimposed on
said at least one object viewer; and
a size selector operatively associated with said designator
having at least one operating mode wherein said size selector is
operable exclusively to resize said superimposed designator.

Claim 1, thus, recites a "resizable, image-capture-area designator". As explained below, applicants respectfully assert that Niikawa et al. does not disclose this limitation.

The Examiner takes the position that the frame "F" of Niikawa et al. (Fig. 9A) is a "resizable, image-capture-area designator" as recited in applicants' claim. Applicants respectfully disagree with this position. With reference to Fig. 9A of Niikawa et al., although the frame "F" is resizable, the area "CA" within the frame is *not* the portion of the image to be captured, but rather the portion of the image that is displayed in the Electronic View Finder "EVF" (see Fig. 9B). This, apparently, is for the purpose of allowing focus and possibly other adjustments to be made in the Niikawa et al. camera based only on the enlarged central portion of the image:

S.N. 10/000,024
Wilfred F. Brake, et al.
Atty Dkt. 10016241-1

Since the central area CA is in the center of the captured image, in the case of capturing an image in which the subject is positioned in the center, whether the focus is on the subject or not can be confirmed.

(Niikawa et al., col. 12, line 66 - col. 13, line 2)

The area "CA" (bounded by the frame "F"), thus, indicates to the user the portion of the image displayed on the EVF in order to set focus. The Niikawa et al. frame "F" does not designate the area of the image to be captured. Niikawa et al., in fact, discloses that a "notification image" ("L1" in Fig. 9A) appear on the LCD Display Screen and/or the EVF specifically to warn the user that the frame "F" *corresponds to the enlarged EVF image and does not indicate the image area to be captured*:

Since the enlarged display icon as a notification image for notifying the user of the third display mode is displayed on at least one of the LCD 10 and the EVF 20, it can be confirmed that **the range of image capturing is not limited to the central portion**, so that the user can be prevented from being confused.

(col. 13, lines 39-44, emphasis added)

Accordingly, applicants respectfully assert that Niikawa et al. does not disclose a "resizable, image-capture-area designator" as recited in claim 1. Claim 1, therefore, is not anticipated by Niikawa et al. As discussed previously, the standard for lack of novelty, that is, for "anticipation," under 35 U.S.C. 102 is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986).

S.N. 10/000,024
Wilfred F. Brake, et al.
Atty Dkt. 10016241-1

Claims 2-4 and 6-8 are allowable at least as depending from allowable base claim 1.

Claims 9-11

Independent claims 9, 10 and 11 each recite "a resizable, image-capture-area designator". Accordingly, each of these claims is allowable for at least the reasons advanced above with respect to claim 1.

Claim 12

Independent claim 12 recites "displaying indicia representative of a portion of a displayed image which is to be selected for capture" and resizing the indicia. Accordingly, claim 12 is allowable for at least the reasons advanced above with respect to claim 1.

Claim 13

Independent claim 13 recites resizing a "displayed indicia representative of a portion of a displayed image which may be selected for capture". Accordingly, claim 13 is allowable for at least the reasons advanced above with respect to claim 1.

Claim 14

Independent claim 14 recites "shrinking and enlarging the area

S.N. 10/000,024
Wilfred F. Brake, et al.
Atty Dkt. 10018241-1

designator", "based upon the size of the area designator selecting a portion the first set of image data which corresponds to the object to generate a second set of image data" and "storing the second set of image data". Accordingly, claim 14 is allowable for at least the reasons advanced above with respect to claim 1.

Claims 17-20

Claims 17-20 have been canceled.

S.N. 10/000,024
Wilfred F. Brake, et al.
Atty Dkt 10016241-1

IV. Rejection of Claims 5, 15 and 16 under 35 U.S.C. §103(a)

Claims 5, 15 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Niikawa et al. (U.S. 6,812,967). Reconsideration of the Examiner's rejection is respectfully requested.

Claim 5

Claim 5 is allowable at least as depending from allowable base claim

1.

Claims 15 and 16


Independent claims 15 and 16 each recite "a resizable, image-capture-area designator". Accordingly, each of these claims is allowable for at least the reasons advanced above with respect to claim 1.

S.N. 10/000,024
Wilfred F. Brake, et al.
Atty Dkt. 10016241-1

In view of the above, all of the claims are now believed to be in
condition for allowance. Re-examination and reconsideration are requested.

Respectfully submitted,
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By


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